

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL REEVES,

Plaintiff,

-v.-

CMP CONSULTANTS, INC.; MARITA PONCE; ORLANDO PONCE; DERMOT REALTY MANAGEMENT COMPANY, INC.; 101 WEST END REIT, LLC,

Defendants.

23 Civ. 1308 (JHR)

ORDER OF SERVICE

JENNIFER H. REARDEN, District Judge:

Plaintiff, who is appearing *pro se*, brings this action under the Fair Housing Act (“FHA”), 42 U.S.C. § 3601, *et seq.*, the New York State Human Rights Law, and the New York City Human Rights Law, alleging that Defendants discriminated against him based on his race by withholding an apartment that he won through the New York City Affordable Housing Lottery. On February 16, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. ECF No. 8. On February 22, 2023, the Court ordered Plaintiff to amend his Complaint (*see* ECF No. 10), which Plaintiff filed on April 26, 2023 (*see* ECF No. 11). Accordingly, the Court directs service on Defendants of Plaintiff’s Amended Complaint.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the Amended Complaint until the Court reviewed the Amended

(2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order that service be made by the Marshals Service if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants CMP Consultants, Inc., Marita Ponce, Orlando Ponce, Dermot Realty Management Company, Inc., and 101 West End REIT, LLC through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (USM-285 form) for each of these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service upon Defendants.

If the Amended Complaint is not served within 90 days of the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes. The Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

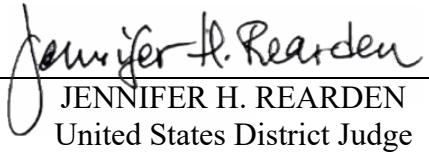
The Clerk of Court is instructed to issue summonses, complete the USM-285 forms with the addresses for CMP Consultants, Inc., Marita Ponce, Orlando Ponce, Dermot Realty Management Company, Inc., and 101 West End REIT, LLC, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further instructed to mail Plaintiff an information package.

Complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days of the date summonses are issued.

SO ORDERED.

Dated: May 8, 2023
New York, New York



JENNIFER H. REARDEN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. CMP Consultants, Inc.
69 Bell Street
Valley Stream, NY 11580
2. Marita Ponce
CMP Consultants, Inc.
69 Bell Street
Valley Stream, NY 11580
3. Orlando Ponce
CMP Consultants, Inc.
69 Bell Street
Valley Stream, NY 11580
4. Dermot Realty Management Company, Inc.
101 West End Ave.
New York, NY 10023
5. 101 West End REIT, LLC
101 West End Ave.
New York, NY 10023